Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
to Ensure Compatibility with	)	
Enhanced 911 Emergency Calling Systems	)	
	)	
Wireless E911 Phase II Automatic	)	DA 99-1049
Location Identification Requirements	)	

To: The Chief, Wireless Telecommunications Bureau

COMMENTS OF OMNIPOINT COMMUNICATIONS, INC.

Omnipoint Communications, Inc. ("Omnipoint"), by its attorneys, hereby submits its comments in response to the Commission's June 1, 1999 Public Notice in the above-captioned proceeding.[1] Omnipoint and its affiliates are small business licensees operating broadband Personal Communications Services systems in the New York Major Trading Area and other markets, and hold PCS licenses to serve approximately 100 million people throughout the United States. Omnipoint and its affiliates have participated extensively in the Wireless E911 docket.

[1] Public Notice, "Wireless Telecommunications Bureau Requests Targeted Comment On Wireless E911 Phase II Automatic Location Identification Requirements," DA 99-1049, rel. June 1, 1999 ("Phase II ALI Public Notice").

I. Preliminary Statement

Having received numerous requests for waivers and related filings responding to the Phase II Waiver Public Notice, the Commission now seeks targeted comment on (1) whether to adopt standards for handset based approaches as proposed separately by SnapTrack, Inc. ("SnapTrack") and the Association of Public-Safety Communications Officials International, Inc. ("APCO"); (2) how to address roaming and handset turnover; and (3) whether the Commission should clarify or modify its methodology for determining ALI accuracy under Phase II.

Omnipoint strongly supports a network based solution because it reaches subscribers more quickly. A network based solution does not impose an additional expense on the public to upgrade their handsets, nor does it create a lower class of E911 service for those who cannot afford to replace or retrofit their handsets. In addition, a network based solution accommodates domestic and international roamers, whose numbers are rapidly growing. Omnipoint agrees with Ericsson and the Wireless E911 Implementation Ad Hoc ("WEIAD") group that a Root Mean Square (RMS) methodology for measuring location accuracy is inherently flawed. Omnipoint supports the methodology for ALI accuracy presented in the Letter to Magalie Roman Salas, FCC, from James Hobson, National Emergency Number Association ("NENA") acting for WEIAD.[2]

[2] Letter to Magalie Roman Salas, FCC, from James R. Hobson, National Emergency Number Association, acting for WEIAD, CC Docket No. 94-102, dated November 25, 1998 ("WEIAD *Ex Parte*").

II. Standards for Handset-Based Solutions

Omnipoint continues to support implementation of network based solutions for reasons that are obvious upon consideration of the SnapTrack and APCO proposals.

First, the advantages of Phase II E911 will not accrue to all users of a carrier's network simultaneously. Each proposal carries some forgiveness of a date-certain requirement for manufacturers to deliver, and customers to receive, ALI-capable handsets.

Second, handset based solutions will create E911 service level gradations solely based on the socioeconomic class of the customers. Any plan which includes a phase-in based on a percentage of customers will result in faster adoption by customers with higher disposable incomes who can easily afford to replace existing handsets with ALI-capable sets purely for the increased safety aspects. Meanwhile, less affluent customers will not benefit from the Phase II capabilities until they are either forced to purchase a new handset as a condition of service or until their carrier provides a subsidized replacement. Obviously, carriers will avoid such subsidization until there is no possibility of voluntary replacement.

Third, handset-based solutions make no accommodation for non-"Service Initialized" handsets. Although Omnipoint and other wireless carriers have strongly objected to the Commission's requirement that users of non-"Service Initialized" handsets be permitted to make 911 calls, it is nonetheless an existing requirement[3] for all wireless carriers. Since the sole legitimate use of such handsets are to enable users to place 911 calls, a technology which provides a lower level of 911 service is contrary to the Commission's stated intentions of serving

the public interests. The SnapTrack and APCO proposals make no accommodation for such users.

III. Roaming Problems and Handset Turnover

The Commission has expressed concern about wireless customers who do not have ALI-capable handsets roaming outside of a service area where a carrier has adopted a network solution and into a service area where a carrier has adopted a handset based solution. Proponents of handset based solutions have sought to minimize the likelihood of problems, claiming that handset turnover would essentially extinguish any problems as manufacturers saturate the market with ALI-capable handsets. Omnipoint believes the magnitude of such problems is greater than acknowledged.

Carriers deploying a network solution have no incentive to sell, nor should their customers be forced to buy, handsets with ALI capabilities. For example, if Carrier A uses a network solution and has a roaming agreement with Carrier B, which has a handset solution, each 911 call from Carrier A's customers roaming on Carrier B's network will provide only Phase I data, thus increasing the PSAP workload, slowing emergency response, and denying Carrier A's customers the level of 911 service they expect from the carrier.

Additional concerns exist about the impact that location technology selection may have on roaming agreements and on liability. A carrier may be reluctant even to enter into a roaming agreement with another carrier knowing the negative impact for its customers while roaming in

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(footnote continued from previous page)

[3] See CC Docket No. 94-102, Report and Order, 11 FCC Red 18676, 18692 (1996); Memorandum Opinion and Order, 12 FCC Red 22665, 22683 (1997).

the other carrier's territory. A carrier also will be uncertain of the extent of its liability when its customer receives a lower level of 911 service in another carrier's area.

Compounding the problem is the fact that wireless roaming has continued to broaden in scope and has now become international. With multi-mode and multi-band handsets now available, travelers from around the world use a single handset to conduct their world-wide business. While network based solutions can readily treat international roamers with a consistent high level of service, handset based solutions will result in a lower quality of service.

IV. Methodologies for Determining ALI Accuracy

Omnipoint agrees with WEIAD that a Root Mean Square (RMS) methodology for measuring location accuracy is inherently flawed.[4] Using RMS a small number of measurements that are inaccurate will prevent a carrier from complying with the ALI requirement, even if the vast majority of ALI measurements are within 125 meters.

V. Conclusion

Permitting handset based solution(s) will delay by years the availability of Phase II E911 service to all mobile phone users. Moreover, such solutions will create a Balkanization of E911 services and will result in disparate treatment of customers in different socioeconomic classes, customers of other service providers, customers with unregistered handsets, and customers roaming from international locations. Carriers opting to deploy network-based solutions, to the advantage of all customers using their networks, may nevertheless have to provide ALI-capable handsets to ensure a compliant level of E911 service to their high-mobility customers.

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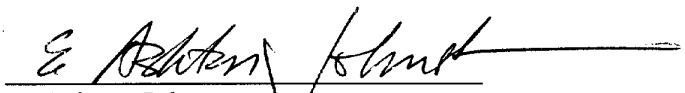
[4] See WEIAD *Ex Parte*.

Meanwhile, as consumers and carriers wait for ALI-capable handsets to reach the market, the number of mobile subscribers will continue to rise, resulting in many more non-ALI-capable handsets that either will be in service for years to come or will have to be actively swapped out, at very high cost to carriers and consumers. Deployment of network based location systems, on the other hand, would make enhanced 911 service available to **all** subscribers simultaneously, rather than only to those who upgrade their handsets.

Respectfully submitted,

OMNIPOINT COMMUNICATIONS, INC.

By: 

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